**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE**

**AND**
**THE HON'BLE Ms. JUSTICE : G.ROHINI**

WRIT PETITION No. 11445 of 2002

Between:

U.Mallaiah S/o.Pitchaiah
Resident of Miryalaguda, Nalgonda Dist .... PETITIONER

AND

1 Municipal Commissioner, Mirayalaguda Municipality,
Mirayalaguda, Nalgonda Dist.
2 Varakala Savithramma W/o late Satyanarayana Reddy
Resident of Mirayalaguda Nalgonda Dist.
3 Jonnalagadda Sarojiniamma W/o Matta Reddy
R/o Mirayalaguda Nalgonda Dist.
4 Jonnalagadda Lalitha W/o Satish Reddy
R/o Mirayalaguda Nalgonda Dist
5 Yechuri Krishnamurthy S/o Kanakaiah
R/o Mirayalaguda Nalgonda Dist
6 Ch.Nagabhushanam S/o Ramchandraiah
R/o Mirayalaguda Nalgonda Dist. .....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, direction or order, particularly one in the nature of Mandamus declaring the action of the first respondent in allowing to get the Municipal funds to be released by respondents 2 to 6 in execution of decree obtained by collusion viz., O.S.Nos.36/92, 6/93 and 7/93 on the file of the Senior Civil Judge's Court, Miryalguda as illegal and collusive and consequently direct an enquiry to be conducted by an independent authority with respect to the decree obtained by Respondents 2 to 6 against first respondent.

For the Petitioner : Mr.R.V.SUBBA RAO, ADVOCATE

For the Respondent No.1 : Mr.R.THIMMA REDDY, ADVOCATE

For the Respondents 2 to 6: Mr.L.PRABHAKAR REDDY, ADVOCATE

The Court made the following :

**ORDER:** (per the Hon'ble the Chief Justice Sri Devinder Gupta)

In this petition filed as Public Interest Litigation, petitioner brought to the notice the fact that municipal funds are allowed to be wasted inasmuch as decrees had been obtained by Respondents 2 to 6 against Municipality in connivance with Municipal staff and no steps are being taken by Municipality to ensure judgments and decrees in O.S.Nos.36/92, 6/93 and 7/93 on the file of the Senior Civil Judge's Court, Miryalguda, set aside.

After notice was issued, we expressed anxiety to find out as to what steps are being taken by the Municipality to have the decrees set aside and counsel for the first respondent took time. Now on affidavit, Mr.M.Chalapathi, Commissioner, Miryalaguda Municipality states that steps have been taken by him and suits have been filed before the Junior Civil Judge and Senior Civil Judge, Miryalaguda seeking cancellation of judgments and decrees in O.S.Nos.36/92, 6/93 and 7/93. The suits are still pending trial.

In view of the fact that steps have been taken by first respondent to have the judgments and decrees set aside, we are of the view that no useful purpose will be served by keeping this writ petition pending, but would proceed to dispose of this writ petition with a direction to first respondent to have the matter duly enquired into and take appropriate steps against the erring officers who are ultimately found responsible due to which the first respondent has suffered decrees. First respondent will also ensure that the suit now filed for cancellation of judgment and decrees is properly constituted in accordance with law and will also ensure that steps are being taken to have the execution of decrees which are under challenge stayed.

The writ petition is accordingly disposed of. No costs.

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DEVINDER GUPTA, C.J

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G.ROHINI, J

Dated: 6th July 2004.

NMR/DA

To

1 The Municipal Commissioner, Mirayalaguda Municipality,
Mirayalaguda Nalgonda Dist
2 Two CD copies.